

REMARKS

This is in response to the Office Action dated June 9, 2008. Reconsideration is respectfully requested.

Claims 1, 2, 5-10, 14-17, 19, and 21-23 stand rejected under 35 USC §112, second paragraph as being indefinite for failing to point out particularly and distinctly claim the subject matter the Applicant regards as the invention. The Applicant has amended the claims to conform to the language of the specification and drawings by deleting the terms “user space” and “operating system space.” Claims 1 and 9 are amended claim the invention in terms of web server components and operating system components. The Applicant has amended claim 9 to claim a protocol library in the web server, which as set forth in the specification includes a TCP/IP protocol stack that is separate from the operating system protocol stack. The Applicant has canceled claims 17-23.

Claims 1, 2, 5-10, 14-17, 19, and 21-23 stand rejected under 35 USC §101 as being directed to non-statutory subject matter. The Examiner takes the position that claims 1, 2, 5-10, 14-17, 19, and 21-23 are directed to software code. The Applicant has canceled claims 17-23 and respectfully traverses the Examiner’s position. Claims 1, 2, 5-8 are directed to a web server, which is clearly statutory subject matter. Similarly, claims 9, 10, and 14-16 are directed to a computer system, which likewise is clearly statutory subject matter.

Claims 1, 2, 5-7, 9-10, 14-15, 17 and 19 stand rejected under 35 USC §102 as being anticipated by Deily et al. US Patent Application Publication No. 2004/0044760. The Applicant has canceled claims 17-23 and respectfully traverses the Examiner’s rejections.

The invention as claimed in independent claims 1 and 9 includes two separate network interfaces. As shown in FIG. 2, a first or general purpose network interface is in communication with the operating system and a second or dedicated network interface is in communication with the web server. The web server includes components that are normally part of the operating system. For example, the web server includes at least one kernel extension device driver that enables an application layer interpreter component of the web server to communicate with the second or dedicated network interface. The web server also includes a transmission protocol library, which includes protocol stacks including TCP/IP library routines. Thus, client requests

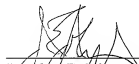
bypass the first or general purpose network interface and operating system and instead go directly to the web server. There is no disclosure in Deily et al. of a network interface dedicated to a web server. In Deily et al., all communication goes through the operating system. Accordingly, the Applicant respectfully submits that Deily et al. neither teaches nor suggests the invention as claimed in claim 1 or claim 9.

The Examiner takes the position that Deily et al. teaches a web server including a user space file cache as claimed in claims 6 and 14. The Applicant respectfully traverses the Examiners position. The Applicant has amended claims 6 and 14 to specify that the file cache of the web server enables the web server to service client requests without invoking the operating system file system. The Examiner states that configuration store 414, described at paragraph [0062] is a file cache. Configuration store 414 contains application pools and worker processes. The Applicant respectfully submits that configuration store 414 is not a file cache. Accordingly, the Applicant respectfully submits that claims 6 and 14 are allowable.

Claims 7 and 15 are rejected under 35 USC §102 as being anticipated by Deily et al. The Examiner states that Deily et al. teaches, at paragraph [0096] a web server that is configured to initiate multiple threads within its user space responsive to user requests. Deily et al. is a continuation-in-part of US Application Serial No. 09/878,950, filed June 11, 2001. The Applicant respectfully submits that the disclosure of paragraph [0096] was not included in Serial No. 09/878,950. Accordingly, the Applicant respectfully submits that the prior art date for the disclosure of paragraph [0096] is February 28, 2003, which is after the filing date of the present application.

The Applicant respectfully submits that the application is in condition for allowance and requests early notice thereof.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jonathan E. Jobe', is written over a horizontal line.

Jonathan E. Jobe
Reg. No. 28,429
Dillon & Yudell LLP
8911 North Capital of Texas Highway
Suite 2110
Austin, Texas 78759
512.343.6116

ATTORNEY FOR APPLICANT(S)